



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15th STREET, SUITE 3200
HELENA, MONTANA 59626

Ref: 8MO

July 18, 2013

Ms. Pamela Lee
Davis Graham and Stubbs LLP
1550 Seventeenth Street, Suite 500
Denver, CO 80202

RE: FOIA EPA-R8-2013-006443

Dear Ms. Lee:

This is in response to your Freedom of Information Act request in which you requested the East Helena RCRA Administrative Record Index. Debbie Clevenger of my staff explained to you that EPA is not required to maintain an Administrative Record (AR) index for documents in the RCRA program, as we are required to maintain an AR for documents in the Superfund program. Due to the complexity of the East Helena site and, in an effort to be responsive to your modified request, EPA determined that we would create a RCRA site file index. This has proven to be quite an undertaking, and is not yet complete.

Even though we have not yet finished creating a complete and accurate index, we have determined that we are able to release a preliminary index of releasable documents. Attached electronically is a preliminary index of releasable documents. Please be aware that it is not complete, and may not reflect all RCRA documents that EPA may determine are releasable to the public. In addition, it is possible that some small subset of documents on this index may need to be more thoroughly reviewed before actual release. Thus, subsequent to the date of this letter and the attached version of the preliminary index, EPA may determine that some documents on this preliminary index may not be releasable.

At this point, many documents listed on this index still need to be entered in to the electronic records system. In addition to having limited funds for this part of the effort, this step is further complicated by the fact that documents reside in both our Denver and Montana Offices.

Due to the size of the effort, funding issues, employee workloads that existed prior to this request, as well as large new workload items in addition to your requests that have been added since your first request, furloughs due to sequestration, and presently unfillable position vacancies, this preliminary index has taken a long time to create. Now that the indexing process is well under way, however, we will continue to add documents to this index and to the electronic database. Please be aware, however, that as we try to complete the index, and maintain

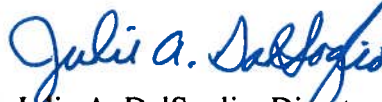


it once it is complete, we will continue to face these constraints. We appreciate your patience as we have undertaken this effort, and your patience as it continues.

The billing for your request will be provided to you next week. We are reviewing time involved with responding to this request, and will provide you the invoice once we have completed our billing review. We want to, however, provide you the preliminary index while we complete our review.

If you have any questions regarding this response, please contact Debbie Clevenger of my staff at 406-457-5004.

Sincerely,



Julie A. DalSoglio, Director
Montana Office